

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PACER FEE EXEPMTIONS)	
)	
ARTHUR SMITH,)	Misc. No. 2:09-239
(PACER Account xxxx100),)	
Movant.)	
)	

ORDER

This matter is before the Court upon the application by Arthur Smith (“Smith”) for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts (ECF No. 149).

This Court finds that Smith is an individual researcher associated with an educational institution and, therefore, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, Smith has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, Smith shall be exempt from the payment of fees for access via the Public Access to Court Electronic Records system (the “PACER System”) to the electronic case files maintained by this Court, to the extent such use is incurred in the course of the defined scholarly research project described in the Application for Exemption from the Judicial Conference’s Electronic Public Access Fees in the

United States District Court for the Western District of Pennsylvania, including the attachments (collectively the “Application”) (ECF No. 149). The Court finds that the research project described in the Application is intended solely for scholarly research and is limited in scope in that the amount of exempt access requested is narrowly tailored to meet the project’s needs and will involve the review of judgments in criminal cases involving convictions for health care fraud and controlled substance crimes, as described in the Application, including specifically both attachments (ECF Nos. 149, 149-1, 149-2). Smith shall not be exempt from the payment of fees incurred in connection with other uses of the PACER System in this Court. Additionally, the following limitations apply:

- 1) This fee exemption applies only to Smith and is valid only for the scholarly research project described in the Application;
- 2) This fee exemption applies only to the electronic case files of this Court that are available through the PACER System;
- 3) By accepting this exemption, Smith agrees not to sell for profit any data obtained as a result of receiving this exemption or to use the data for any commercial purpose;
- 4) Smith is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via Internet based databases. This prohibition does not prevent Smith from relying upon the data obtained as a result of receiving this exemption in or in

connection with the scholarly research project described in the Application;

5) This exemption is valid until July 12, 2025.

This exemption may be revoked at the discretion of the Court at any time. The Clerk of Court of the United States District Court for the Western District of Pennsylvania, or her designee, may periodically review the usage of Smith's exempt PACER System account during the term of this exemption.

Dated: July 12, 2024

BY THE COURT:

/s/ Mark R. Hornak

Mark R. Hornak
Chief United States District Judge

cc: PACER Service Center *(via email)*
Administrative Office of the United States Courts,
Multi-Court Exemptions Office *(via email)*
Arthur Smith *(via email)*